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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,578	09/29/2003	Andre Lischeck	10191/3325	5405
26646 7590 11/05/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
VU, HIEU D				
ART UNIT		PAPER NUMBER		
2833				
MAIL DATE		DELIVERY MODE		
11/05/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,578

Applicant(s)

LISCHECK ET AL.

Examiner

Hien D. Vu

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 2/15/06 & 4/30/07 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

1. In view of the appeal brief filed on 5/21/08, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is based on the drawings which, through various steps in prosecution, added new structure in Fig. 1, new Figs. 3-4, new amendments to the specification related to the new drawings submitted on 2/15/06, new Fig. 5, and new amendments to the specification related to the new drawing submitted on 4/30/07. The new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/renee s luebke/
Renee Luebke
SPE - AU 2833

2. The drawings of February 15, 2006 are objected to because new, added element 14 in Fig. 1 and the way of operation shown in new Figs. 3-4 are unclear and appear to be new matter. Element 14 was not shown or discussed in the originally filed

application. Its shape, arrangement and use, therefore, are new matter. Further, it is unclear how it interacts with element 13 (which is not in the original specification, but was added in the Replacement Sheet filed August 30, 2004). In Fig. 3, element 14 abuts the lamella; where is element 13 in this arrangement? Based on the earlier figures, it should be found in Fig. 3.

Also, new Fig. 5 submitted on 4/30/07 is unclear and appears to include new matter since the detailed shape of the blade 14 and the lamellae structures position in the spring element were not originally disclosed. Furthermore, these figures also appear to be contradicted by element 13 in Fig. 1 filed 8/30/04. Therefore, the new matter added in Fig. 1 and new Figs. 3-5 submitted on 2/15/06 and 4/3/07 will not be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The specification is objected to because new amendments to the specification related to the new drawings submitted on 2/15/06 and 4/30/07 appear to be new matter since those are not originally disclosed and they also will not be entered.

4. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. In particular, it is unclear how the knife blade could maintain contact with both the contact segment and the contact point as required by the last paragraph of claims 1 and 5. It appears that the blade could maintain contact with the contact point only. It is noted that the drawings and specification, as originally filed, cannot clarify this issue since the knife blade was not shown. As noted above, applicant's attempts to solve this dilemma have merely resulted in additions of new matter.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Risser et al (878) in view of Stanevich (417).

Insofar as the claims can be understood, Risser, figs. 1-3 shows an inner contact part 14, a spring element 28, an attachment part 20, a center segment 14 and a contact segment 22 having a contact part having at least three contact lamellae 24 pointing away from the center segment 14, each contact lamellae having a contact point (not labeled), a blade 48, and the free ends of the contacts being freely movable. Risser does not show that after further insertion of the blade, the free ends are configured to rest against the spring element and the contact lamellae are configured to deform. Stanevich, Figs. 7-8, shows that after further insertion of a blade 11, free ends 20 of contact lamellae 17, 18 are configured to rest against a spring element 14 and the contact lamellae are configured to deform. Element 22 is a first transfer zone and element 24 is a final transfer zone and read as the recited contact point. It would have been obvious to one with skill in the art to modify the connector of Risser by forming the contact lamellae and the spring element with a similar shape as the contact lamellae and the spring element as taught by Stanevich, in order to provide better connection and to improve conductivity between the blade and the contact lamellae. It is noted that the free ends 20 of the contact lamellae are configured to rest against the spring element and appear in direct proximity to the contact point 24 with the knife blade 11 maintaining contact with the contact point 24 as shown in Fig. 7 of Stanevich.

As to claim 2, the contact lamellae are formed in the shape of fingers and are only connected to each other at an end pointing to the center segment.

As to claim 3, support elements 30 situated at a section of the spring element 28, which read as the recited the external retention spring.

As to claim 4, the external retention spring substantially completely surrounds the contact part.

As to claims 5-7, the claims have substantially similar features as claims 1-3; therefore, they are rejected under similar rationale.

7. Applicant's arguments filed 5/21/08 have been fully considered but they are not persuasive.

With regard to the rejection of claims 1-7 under 35 U.S.C. 112, this rejection is withdrawn and new drawing objections and rejection of claims 1-7 have been discussed above.

With regard to the remarks on page 7-10 of the Brief, Applicant states that "point 22 of Stanevich does not constitute a contact point in the context of claims 1 and 5." The Examiner agrees that the point 22 is not the contact point. It can be used as a part of the free ends of the of contact lamellae 17, 18. Applicant also stated that "point 24 of Stanevich is the contact point which maintains the free ends 20 of the lamellae in contact with the retention spring 14, and point 24 is not in direct proximity to where the retention spring 14 and contact lamellae rest against each other." The Examiner agrees that point 24 is the final contact point; however, the Examiner disagrees that contact point 24 is not in direct proximity to where the retention spring 14 and contact lamellae rest against each other because there is no structure in claims 1 and 5 to define direct proximity to the contact point. A distance from the point 24 to the free ends 20 of Stanevich is consider being in direct proximity to the contact point.

The other remarks are considered to be fully addressed in the rejections above.

8. Any inquiry concerning this communication should be directed to Hien D. Vu at telephone number 571-272-2016.

/Hien D. Vu/

Primary Examiner, Art Unit 2833